

September 2, 2009 Regular Town Board meeting

The regular meeting of the Town Board was called to order by Chairman Chartier at 3:00 pm on Sep. 2, 2009. Supervisors Mike Christensen and Matt Gaulke were present, and also Treasurer Dave Peterman and Clerk Ginger Schwanebeck. Others present: Rich Eberle, Jim Roxworthy, twenty others (see attached list), and Eric Johnson from the Lakeland Times.

This meeting was properly posted and the media notified as required by law.

Motion by Mr. Christensen, and seconded by Mr. Gaulke to approve the agenda. The motion was carried.

Motion by Mr. Christensen, and seconded by Mr. Gaulke to approve the minutes of the August 19, 2009 regular meeting, as submitted. Motion carried.

Motion by Mr. Christensen and seconded by Mr. Chartier, to approve vouchers 42061 – 42102 from the General fund. The motion was carried with Mr. Gaulke abstaining to avoid any appearance of conflict as there was a check for his employer included among the payments.

TREASURERS REPORT: Treasurer Peterman presented the financial statement, showing the unreconciled (LGIP interest figures not yet available) financial status as of 8-31-09 as follows: The general account balance is \$590,940.66 and the Ambulance Fund balance is \$437,308.26. . A motion was made by Mr. Gaulke and seconded by Mr. Christensen to accept the Treasurer's Report as presented. The motion was carried.

MOSS LAKE CHANNEL: Mr. Jim Roxworthy addressed the Board representing the Moss Lake Association about the difficulty in getting through the channel between Moss and Long Interlaken Lakes. The Moss Lake property owners want the State, County, Town and Tribe to find a way to solve this problem that has been getting progressively worse for the past 3 years or more. They have no public landing, so this channel is the only access for putting in or taking out their boats. They have riparian rights, i.e. the right to use the water, and they believe their rights are being violated. The water in the channel is so low that people have to get out and pull their boats through. Chairman Chartier read a letter from Town Attorney Greg Harrold confirming that the Town has no statutory authority to undertake this project, and the Town would not have standing to undertake an application for a dredging permit by ourselves. There was lengthy discussion. The Town Board agreed to sign the Moss Lake Association petition to demand action by the governmental body having authority, and also agreed to write letters to State, County, DNR and Tribal officials asking for help in resolving this matter.

EBERLE – SAND CREEK DAM: Mr. Rich Eberle addressed the Board regarding the Sand Creek Dam on his property. He, along with the White Sand Lake Association, are asking for a commitment from the Town Board to support the formation of a Lake District. There was lengthy discussion. Several Pokegama Lake property owners asked questions and voiced concerns. Mr. Eberle stated that the intention is to keep the White Sand Lake water at its current level while not negatively impacting Pokegama Lake, and to assure maintenance and oversight into the future. He has submitted project plans and drawings to Terry Cummings, DNR Water Management Engineer, and states that Mr. Cummings has voiced approval of the plan. The cost estimate is \$50,000 to \$60,000 to construct a new dam. Mr. Eberle also stated that the DNR is now exploring the age of the dam, and believes it may be more than 100 years old, in which case, it would be considered "a legal dam", having been built before any permitting process was in place. If so, Mr. Eberle could apply for a permit on his own, with the only requirement being that the height of the new dam be the same as that currently in place; neither property owner easements nor a Lake District would be required. There was discussion about the fact that formation of a Lake District would require Tribal approval and involvement because the Tribe, and tribal allottees, own land on the lake and have some regulatory authority over surface waters. State Statutes direct that when formation of a Lake District crosses governmental boundary lines, all affected government bodies must approve it. Mr. Eberle and the Association representatives were encouraged to approach the Tribal Council on this matter, as the Town Board would not take any action until the Council considers the matter.

LONGS POINT LANE CONSTRUCTION EASEMENT: The Board reviewed for approval the Temporary Construction Easement for Longs Point Lane. The Tribe has funding to pulverize and pave the roadway, along with installing sidewalks and street lights. The sidewalks will be installed on both sides of the road, and the streetlights they install will be in addition to those already in place that are paid for by the Town. The Tribe will be responsible for maintenance of the sidewalks and new streetlights. Motion by Mr. Gaulke, seconded by Mr. Christensen, to adopt Resolution 2009-03 granting a temporary construction easement to the Tribe. Carried.

AMBULANCE STANDBY REQUEST: The Board reviewed for approval the Ambulance Standby Request filed by the LdF School for emergency services standby during 5 football games to be held at the school. A motion was made by Mr. Gaulke and seconded by Mr. Christensen to approve the request and waive the fee. Motion carried.

A motion was made by Mr. Chartier and seconded by Mr. Gaulke to adjourn at 4:35 pm. Carried.

Respectfully submitted,
Ginger Schwanebeck
Town Clerk

NAME	ADDRESS
Rich & Sue	13570 Sand Creek Rd. FARMER
Russ Sanderson	3266 W. Sand Lk. L.V.
Pat & Allen	13872 Schilleman Rd. LDF
JOHN & CLAUDIA TEETHMER	13870 Schilleman LDF
LESTER & SHARON KUERSCHNER	3161 Foxgama Lk. TR.
NANCY HAFER / RICK LARSON	3187 Foxgama Lk. TR. LDF
CHUCK - PEG SCHAU	13870 City Hwy D LDF
ANTHONY / GUIDO	13870 Moss Lake Road
Jim Foxworthy	13970 Moss Lk. Dr. LDF
Paul Hoff	2267 Hogan Ln. LDF
Don Lind	2250 Saint Jane L.P.S.
Bill Schum	" " " "
Janet Chavane	13560 Sand Creek Lake LDF
Fred Chavane	" " " " "
Garrie Breckmann	3217 Schilleman Rd. LDF
Bob	" " " "
William J. Rehm	2225 Rehm LDF
Arthur L. Still	2225 Rehm LDF

